

non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

The election of the invention to be examined is made with traverse.

Applicants submit that Group I and Group II relate to the same dielectric layer, the difference between Groups I and II being that the former claims a continuously varying dielectric constant layer, while the latter, (i.e., claims 18-21) claims a method of forming the aforementioned layer.

Applicants respectfully submit that Groups I and II do not require separate searches, particularly in view of the Office Action failing to list separate classes and sub-classes that would have necessitated two searches.

The Office Action further states that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 and, further, under PCT Rule 13.2, for lacking the same or corresponding special technical features.

Applicants believe that PCT Rule 13.1 and Rule 13.2 do not apply to the present Restriction Requirement since the present application is not a PCT application and is not entering a National Stage.

In view of the foregoing considerations, Applicants believe that the present Restriction Requirement is unwarranted and should be withdrawn.

Respectfully submitted,

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